

CONFIDENTIAL

19 November 1979

MEMORANDUM

SUBJECT: The Koran on Hostages

1. In order to find the appropriate attitude on hostages according to Islamic principles one needs to look at three sources:

a. The Koran will provide the text which is to be appealed to. Some of these we can find but there are other verses which a Muslim jurist might turn up that on the surface appear to have no connection.

b. Koranic Commentaries also need to be searched. These will give the opinions of Islamic scholars on the real meaning of the verse in question. Note here that in many cases the commentaries may differ widely according to whether the commentator is primarily a theologian, a jurist, a philosopher or a mystic. None of these Commentaries is available in English. A Persian language commentary is most likely to be Shiite, but an Arabic language one can be either Sunni or Shiite.

c. Finally, the "practical treatises" or books of case law which describe the way the Shariah had actually been applied. These may be the most important for our purposes, but they may not be available in the US. The mujtaheds don't need the books; they have them memorized. (C)

2. We were able to find only one passage in the Koran that dealt specifically with hostages, and this in the context of prisoners of war. Sura VIII, verses 67-71 states that while the taking of hostages for ransom has no place in righteous warfare, in certain exceptional instances, it is allowed. If captives are taken, it would be for the leader of the community, the Imam, to exercise his discretion as to the time and condition of their release. More onimously, if those held have "treacherous designs against Thee (O Apostle) they have already been in treason against God, and so hath He given thee power over them." (C)

CONFIDENTIAL

CONFIDENTIAL

3. We did come across, however, several additional Koranic passages that could be interpreted as applicable to recent events in Iran. First, Sura XXIV, verses 27-29 deals with the sanctity of the home: "Enter not houses other than your own, until ye have asked permission--if ye find no one in the house, enter not until permission is given you ...". Thus, the forceful occupation of the American Embassy compound violates Mohammed's revelations. (C)

4. Sura IX could be applied to Iran's obligations to protect the American community in Iran and respect its commitment to the Geneva Convention. Verses 1-4 deals with treaties with non-Muslims. The Muslim community could denounce a treaty only after it was violated by the other party. A period of four months would follow the denunciation, during which due protection would be afforded the former allies and repentance or reunion would be acceptable. If these efforts failed, the recourse was all-out war, as outlined in verses 12-14. (C)

5. The Koran, in Sura V verses 34-36 strongly condemns individual assassination and revenge. "If any one slew a person--unless it be for murder or for spreading mischief in the land--it would be as if he slew the whole people. And, if any one saved a life, it would be as if he saved the life of the whole people." A move against a single American life therefore, is an attack on the entire American population. The Sura then continues to describe in vivid detail the punishments reserved for those who wage war against God, His Apostle, and strive "with might and main for mischief through the land." (C)

6. The argument for mercy and forgiveness of a murder--in the students' eyes the Shah--is made in Sura II, verse 178. "The law of equity is prescribed to you in case of murder; the free for the free, the slave for the slave, the woman for the woman. But, if any remission is made by the brother of the slain, then grant any reasonable demand and compensate him." Thus, if the Shah is guilty, he alone is punishable, but it would be far better if the aggrieved--the students--replaced vengeance and retaliation with mercy and love. (C)

7. Finally, Sura II, verse 189: "It is of no virtue if ye enter your houses from the back; it is virtue if ye fear God and enter houses through the proper doors." These lines have become a Muslim proverb which teaches that honorable objectives are achieved by open and honorable means. (C)

- 2 -

CONFIDENTIAL